

EPA settles with Flint Hills Resources Alaska, LLC, for hazardous waste violations at its North Pole Facility

(Seattle, Washington – September X, 2014) The U.S. Environmental Protection Agency has reached a settlement with the Flint Hills Refinery in North Pole ~~Borough~~, Alaska, for alleged mishandling of hazardous waste generated during groundwater cleanup actions at the refinery.

On June 19, 2013, Flint Hills Refining (FHR) conducted groundwater cleanup activities at its North Pole Refinery (Facility) that generated spent groundwater pre-filters containing iron sulfide. The spent groundwater pre-filters were disposed of in an exposed, open-air “roll off” container (dumpster) where they soon self-ignited, causing two container fires. The fires required local fire department assistance to extinguish. The announced settlement includes a civil penalty of \$80,000.

According to Scott Downey, manager of EPA’s air & hazardous waste compliance unit in Seattle, for safety’s sake, waste generators are required to officially determine whether or not their waste is hazardous ~~or not~~ at the time of generation.

Commented [LM1]: Why isn’t his title/unit capitalized? I don’t remember the rules on this.

“In this case, two completely avoidable dumpster fires occurred because the facility’s hazardous waste was not properly handled and managed,” said EPA’s Downey. “Worker and responder safety can be jeopardized when ignitable and flammable wastes are not treated with required respect.”

The Resource Conservation and Recovery Act (RCRA), a hazardous waste program designed by Congress to keep hazardous waste out of the environment and protect people from injury, requires that hazardous waste generators keep such waste in closed labeled containers that track storage time.

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In case documents, EPA alleges:

- FHR violated RCRA by failing to determine that the spent groundwater pre-filters were an ignitable and reactive hazardous waste, and then failed to manage the materials accordingly.
- FHR mishandled the filter waste by placing it in a roll off container that was

not properly labeled “Hazardous Waste” and dated for storage (as required by federal law).

- FHR hazardous waste was not managed to minimize the possibility of a fire, explosion, or other mishap due to this hazardous waste’s unstable nature.

Although no one was injured, FHR’s negligence in following the preventative aspects of the RCRA created a situation that could’ve caused more significant damage and risk to the public. To prevent human and environmental exposure, it’s critical that waste generators make a hazardous waste determination when it’s first produced, and properly label and dispose of these materials. EPA expects this case to be concluded by mid-September.

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From: Lowinger, Mahri
Sent time: 08/28/2014 06:22:19 PM
To: MacIntyre, Mark
Subject: RE: Flint Hills Refining press request form
Attachments: EPA settles with Flint Hills Resources - RCRA Penalty DRAFT 1 08-28-14 mll edit.docx

Hi Mark,

Here's what I came up with in the past hour or so. I hope this is helpful and usable.

What I left out of the document is that (as you probably know) FHR plans to close its doors in North Pole. This caught a lot of media attention a few months ago. Part of the reason for the closure is dealing with the costs of contamination it claims to have inherited. I could see how readers in AK may jump to the conclusion that EPA had some sort of role in this closure and/or that EPA's regulations = economic disinvestment in AK. Thus I don't know if it's applicable to include a sentence or two about their closure. AND I wasn't sure if the clean up work they are doing is related to closing down the refinery and whether that's something that should be mentioned as well. Perhaps this is just information we should get ahead of b/c this could be the likely response and assumptions about EPA.

They also seem to have a history of spills/contamination, again I wasn't sure if that was appropriate to mention.

I see that Lisa Demer was one of the reporters on the closure announcement in Feb. and I understand as the environmental reporter for AK News Dispatch this is something that could pique her interest.

You probably know all this already, but just my two cents just in case...

<http://www.adn.com/article/20140204/flint-hills-shut-north-pole-refinery-about-80-jobs-ending>
<http://www.adn.com/article/20140204/blow-fairbanks-flint-hills-says-it-will-close-down-north-pole-refinery>

Mahri

From: MacIntyre, Mark
Sent: Thursday, August 28, 2014 3:17 PM
To: Lowinger, Mahri
Subject: FW: Flint Hills Refining press request form

From: Downey, Scott
Sent: Wednesday, August 27, 2014 3:45 PM
To: R10 Press Team
Cc: Chu, Xiangyu; Gallagher, Shirin
Subject: FW: Flint Hills Refining press request form

This case is moving along faster than originally thought. We expect the signed CAFO back any time now. Can we get someone assigned soon?

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Scott Downey, Manager  
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<https://twitter.com/EPAnorthwest>

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**From:** Williams, Cheryl B.  
**Sent:** Tuesday, August 12, 2014 3:05 PM  
**To:** R10 Press Team  
**Cc:** Downey, Scott; Chu, Xiangyu; Gallagher, Shirin  
**Subject:** FW: Flint Hills Refining press request form

Hello,

We have reached settlement in agreement with the Flint Hills Refinery (North Pole Alaska).

We expect that this case will be concluded (filed) by mid-September (no later than September 30,2014).

Details of the case may be found in the attached request for press support form.

If you have any questions please contact either the case officer Xiangyu Chu or our Attorney Shirin Gallagher.

Thanks,  
Cheryl Williams (on behalf of Scott Downey)